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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Jean-Michel Defert

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EXAMINER

MERLINO, ALYSON MARIE

ART UNIT

PAPER NUMBER

3673

NOTIFICATION DATE

DELIVERY MODE

06/10/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
pto@gbpatent.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/597,508	<b>Applicant(s)</b> DEFERT, JEAN-MICHEL	
	<b>Examiner</b> ALYSON M. MERLINO	<b>Art Unit</b> 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 5-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. The examiner acknowledges applicant's amendments to claims 5-24 and the addition of new claims 25-30 filed 24 February 2009.

#### *Claim Objections*

2. **Claims 13, 18, and 22 are objected to** under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Independent claims 12, 17, and 21 recite limitations stating that when the electromagnetic core is not energized, then the forces generated by the spring maintain the bolt in the protruding position, which can also be found in dependent claims 13, 18, and 22.

3. **Claims 23 and 24 are objected to** because of the following informalities:

a. In regards to claim 23, line 5, this limitation should read as follows for clarification and in accordance with claim 5: "energizing the electromagnet in order to maintain the electromagnetic lock in a locked position."

b. In regards to claim 23, line 6, the phrase "the electromagnetic core" should be "the electromagnet" in accordance with claim 5.

c. In regards to claim 24, line 5, this limitation should read as follows for clarification: "energizing the electromagnetic core in order to maintain the electromagnetic lock in a locked position."

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 5-30 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. **Claims 5, 12 and 17 are rejected** under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: guide means, and the bolt being moved between locked and unlocked positions. It is clear that the linear movement of the retractable sliding bolt can only occur when the movement of the bolt is restricted by its cooperation with the columns 7. In regards to claim 5, it is clear that in order for the electromagnetic lock to operate, limitations regarding the status or position of the plate and/or bolt when the electromagnet is energized and when it is not energized should be included. These events or steps are discussed in the last five lines of claim 12. Furthermore, in regards to claims 12 and 17, the claims discuss a locked position, however, there is no language relating this position to an unlocked position, such as the sliding bolt moving between locked and unlocked positions, with the armature plate moving between engaged and disengaged positions wherein the springs bias the plate towards the engaged position, engaging the armature plate with the electromagnetic core. Also, with respect to the electromagnetic core being de-energized, it is clear that the armature plate is no longer engaged to the electromagnetic

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core, and that pressure exerted on the door allows the retractable sliding bolt to engage with the fixing plate to move the sliding door towards the unlock position. It is clear that this is the proper operation and components of the device that allow the operation and it is strongly suggested that claims 5, 12, and 17 reflect this operation.

4. **In regards to claim 25**, it is unclear whether the electromagnetic core is a separate component from the electromagnet recited in claim 5 or that the electromagnetic core is a portion of the electromagnet. For examination purposes, the claim will be given a broad interpretation until further clarification from applicant.

5. **In regards to claim 26**, it is unclear how the retractable sliding bolt is prevented from moving back away from the protruding position, when another position, such as an unlocked or disengaged position of the sliding bolt, has not been set forth so that the bolt may be prevented from moving "back" to that disengaged position. For examination purposes, the claim will be given a broad interpretation until further clarification from applicant.

#### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 5-8 and 11 are rejected** under 35 U.S.C. 102(b) as being anticipated by Manthey (US-6630877).

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8. **In regards to claim 5**, Manthey discloses an electromagnetic lock (Figure 2) including a body 42, a linearly movable retractable sliding bolt 13, and a movable plate 11 structured and arranged in the body to support the retractable sliding bolt (apparent from Figure 2) and to function as an armature of an electromagnet 2, 3, 6, 7, wherein the movable plate is movable via two forces acting in the same direction (forces from poles 2 and 3) and is structured and arranged to move the retractable sliding bolt linearly to a protruding position (Figure 2).

9. **In regards to claim 6**, Manthey discloses that the retractable sliding bolt is configured for a swinging-type door 8.

10. **In regards to claim 7**, Manthey discloses that the movable plate and the retractable sliding bolt are movable in the same direction (apparent from Figures 2 and 3).

11. **In regards to claim 8**, Manthey discloses that the movable plate and the retractable sliding bolt are movable along a bolt displacement direction (apparent from Figures 2 and 3).

12. **In regards to claim 11**, Manthey discloses that the movable plate is guided on columns 16 and the columns comprise axes which are arranged parallel to a bolt displacement direction (apparent from Figures 2, 3, and 7).

13. **Claims 5-9 are rejected** under 35 U.S.C. 102(b) as being anticipated by Crockett et al. (US-473061).

14. **In regards to claim 5**, Crockett et al. discloses an electromagnetic lock (Figure 1) including a body a, a linearly movable retractable sliding bolt h, b', and a movable

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plate  $f'$  structured and arranged in the body to support the retractable sliding bolt (apparent connection between the plate and the sliding bolt created by component  $d^2$  from Figure 1) and to function as an armature of an electromagnet  $f$ , wherein the movable plate is movable via two forces acting in the same direction (forces of the springs  $h'$  and  $c$  forcing the bolt to the left side of the body and the force of the electromagnet releasing the armature plate  $f'$ , Figure 1) and is structured and arranged to move the retractable sliding bolt linearly to a protruding position (Figure 1).

15. **In regards to claim 6**, Crockett et al. discloses that the retractable sliding bolt is configured for a swinging-type door (Figure 6).

16. **In regards to claim 7**, Crockett et al. discloses that the movable plate and the retractable sliding bolt are movable in the same direction (apparent from Figure 1).

17. **In regards to claim 8**, Crockett et al. discloses that the movable plate and the retractable sliding bolt are movable along a bolt displacement direction (apparent from Figure 1).

18. **In regards to claim 9**, Crockett et al. discloses that the two forces acting in the same direction are generated by springs and the electromagnet (apparent from Figure 1).

19. **In regards to claim 10**, Crockett et al. discloses that the springs bias the movable plate (springs capable of further moving the plate towards the position shown in Figure 1 by the interaction of component  $d^2$  and the plate) and the retractable sliding bolt towards the protruding position (apparent from Figure 1).

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20. **In regards to claim 25**, Crockett et al. discloses an electromagnetic core (apparent that the electromagnet includes a core, Figure 1) arranged between the movable plate and a protruding portion (portion between reference characters  $d^2$  and  $d^3$ , Figure 1) of the retractable sliding bolt when the retractable sliding bolt is positioned in the protruding position (Figure 1).

***Allowable Subject Matter***

21. **Claims 12 and 17 would be allowable** if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

22. **Claims 13-16, 18-24, and 26-30 would be allowable** if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

23. Applicant's arguments with respect to claims 5-24 have been considered but are moot in view of the new ground(s) of rejection.

24. Applicant's arguments filed 24 February 2009 have been fully considered but they are not persuasive.

25. In regards to applicant's remarks concerning the objections to claims 13, 18, and 22, it is clear that claims 12 and 17 do not discuss any other forces beyond that of the springs and the electromagnetic core, and therefore, when the core is not energized, the only force acting on the bolt is the springs. Therefore, the objections are maintained.



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26. In regards to applicant's remarks concerning the objections to claims 23 and 24, the language is not consistent because claim 5 recites an electromagnet not an electromagnetic core. Therefore, the objections are maintained.

27. The examiner appreciates applicant's amendments to Figure 2, and therefore, the objection to the drawings set forth in the previous office action is withdrawn.

28. The examiner appreciates applicant's amendments to claims 19, 21, and 22, and therefore, the objections to the claims set forth in the previous office action are withdrawn.

29. The examiner appreciates applicant's remarks and amendments to the drawings, and therefore, the rejection of claims 5-24 under 35 U.S.C. 112, first paragraph, set forth in the previous office action.

30. The examiner appreciates applicant's amendments to claims 21 and 24, and therefore, the rejection of claims 21, 22, and 24 under 35 U.S.C. 112, second paragraph, set forth in the previous office action is withdrawn.

31. As noted on the Office Action Summary, the Certified Priority Document has been received.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALYSON M. MERLINO whose telephone number is (571)272-2219. The examiner can normally be reached on Monday through Friday, 7:30 - 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter M. Cuomo/  
Supervisory Patent Examiner, Art Unit 3673

AM  
June 3, 2009